

THE  
**DEBTORS' JOURNAL.**

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EDITED BY AN ASSOCIATION OF GENTLEMEN.

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"MAN'S INHUMANITY TO MAN  
MAKES COUNTLESS THOUSANDS MOURN!"

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No. 4 ] Boston, Saturday, Dec. 30, 1820. [Vol. I.

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**BANKRUPT LAW.**

THE following remarks upon the necessity of a uniform system of bankruptcy, are by the editor of the National Advocate; we copy them under the belief that our readers will receive pleasure and instruction by their perusal.

"It has been customary, within a few years, to say something on the necessity of passing a Bankrupt Law, at the opening of each session of Congress, and we fear that it has been heretofore regarded too much as a thing of custom, rather than urgent necessity. Yet we have daily proofs of the increasing want of a law establishing a uniform system, and relieving our merchants from severe oppression and a state of painful anxiety. It will be readily admitted, that Congress should not, at all times, exercise the powers vested in that body by the Constitution; yet, when the Convention assigned to Congress the right of establishing a uniform system of bankruptcy, they did it under the impression that the power would be exercised whenever the increase and mutation of commerce rendered it necessary. The objections heretofore alleged against a Bankrupt Law, were founded on the idea that state laws were sufficient protection to insolvents and bankrupts; instead of which, they are of a most conflicting nature, and the want of uniformity and mutual protection, promotes additional trouble, delay, and mortification to the unfortunate debtor.—The Constitution of the United States establishes the principle, that certain rights of citizens are unalienable and indefeasible, and amongst these, are the rights of "acquiring, possessing, and protecting property," and these rights are pronounced by the Constitution to be unalienable, because "no equivalent can be given or received for them." How then can the bankrupt possess these rights, when he is not protected by the laws? How can he "acquire, possess, and protect property," when his creditors are forever on the watch to seize upon what he makes for their use? How can he, in the language of the Constitution, "pursue his own happiness," when he is eternally a prisoner?—But, says the creditor, am I not to be protected? Certainly, as far as justice and reason authorizes, but let it be distinctly understood, that the want of a Bankrupt Law gives every protection to the creditor and nothing to the debtor. Credit must operate generally, not partially. A merchant may be compelled to make purchases, but the seller is not compelled to trust the merchant; it is a voluntary act, and if the seller is an imprudent man and takes insufficient security, should he possess a control forever over the person and proper-

ty of the purchaser, if the latter should prove unfortunate? If a merchant loses property by unavoidable accidents, should there be no protection afforded him by the laws? A merchant loses his all by a fire, the state laws may free his person from arrest, but he is ever at the mercy of oppressive creditors, for want of a bankrupt system. There is however, one very strong argument in favor of the system, and that is in relation to our foreign trade, and the inequality of foreign laws, contrasted with our own. A foreigner contracts heavy debts in this country, he returns to England, and his creditors cannot pursue him, because he has taken refuge from misfortune in the laws of his country; he is released by the Bankrupt Laws, and he is again actively engaged retrieving his losses; but if an *American* merchant owes a foreigner, he must pay him or he is never released. The foreign merchant has his agent in this country, and if the debtor earns a shilling, it is seized upon immediately, and thus are many hundreds, nay thousands, active and enterprising Americans held in bondage by foreigners; held also in violation of that part of the constitution which guarantees the right of "possessing and protecting property," and their families continue to pine in want and misery. Let an unfortunate and honest debtor be at once released by a Bankrupt Law: let him not be held in eternal durance. The criminal may be pardoned and set at liberty; but from the want of a system operating uniformly in this country, the bankrupt is never free, he is never at liberty to earn his bread. We do hope, therefore, that Congress will take a lively interest in this subject, and pass the law which has been for years before them, and put our mercantile institutions on a different footing.



## ESSAYS OF HOWARD—No. 2.

*By a Prisoner.*

*"Why boastest thou thyself in mischief, O mighty man?"*

Whoever wishes to see squalid Misery seated on her throne, with Poverty and Vice, Oppression and Sickness, officiating as her ministers, let him visit a debtors' prison in this land of *liberty*.

"We talk," says an elegant writer, "much about instruments of torture; Americans take credit to themselves for having banished the use of them from their happy shores! Alas! he that has observed the secrets of a debtors' prison, well knows that there is infinitely more torture in the lingering existence of a poor debtor, in the silent intolerable minutes that he spends, than in the tangible misery of whips and racks."

How often since I have been confined within these detestable walls, have I fervently wished, that I could enjoy the privileges of the meanest beggar, who sleeps in the open field with no other shelter than the canopy of the sky!

To lie at freedom, in the pure air, to be pelted by the storms of heaven, are *blessings* compared with the shelter of a jail, and the merciless oppression of keepers accustomed to steel their hearts against every feeling of pity.

I have been long in prison, and from my observations, have discovered that the makers of the laws are not aware of half the cruelties commit-



ted under the sanction of them. The legislatures have been anxious to secure the creditor.—Does the system of imprisonment for debt do it? No.

We hold the rights of liberty and personal freedom sacred, and infinitely above price. Yet, in the blindness of legislatures, they have permitted liberty to be the sport of REVENGE, and the sacred and highly valued right of personal freedom is sold for a debt. For the mean and contemptible sum of one hundred dollars, a single exasperated creditor may treat his debtor worse than a criminal, confine him to a filthy cell, behind ponderous doors—grated windows—massy locks—and damp walls—thus actually purchasing, with the little sum of forty pounds, the positive, but *useless* slavery of a free citizen.—Slavery! not a day, or a year—but for life! Talk no more, Americans! of the cruelty of Spain to the prisoners of Miranda!—Cease to invoke the God of justice to pour curses on the heads of Algerine tormentors. Turn home the current of your indignation and pity; for here, in the bosom of our native land, *unfortunate, innocent* prisoners suffer infinitely more than all our citizens abroad.

Some years since, a young man by the name of Brown was cast into the prison of this city for debt. His manners were very interesting. His fine dark eyes beamed so much intelligence, his lively countenance expressed so much ingenuousness, that I was induced, contrary to my usual rule, to seek his acquaintance. Companions in misery soon become attached to each other. We delighted to practise together all the dear little acts of beguiling the tedious hours of our confinement. He played the flute, I the violin. Many times, after the jailor's horrid rattle had summoned the debtors to their cells, and all the prison was still, have we paced the gloomy hall on the second floor, and by the aid of anecdote and song, fiddle and flute, cheated woe out of more than half her empire.

Brown was informed that one of his creditors would not consent to his discharge, that he had abused him very much, (as is usual in such cases) and made a solemn oath before God to keep him in jail—*till he rotted!!* I watched Brown's countenance when he received this information, and whether it was fancy or not, I cannot say, but I thought I saw the cheering spirit of hope, in that moment, desert him forever.

There is an elasticity in the young mind that enables it to bear misfortune, sometimes with an unaccountable fortitude; but take away hope and the secret charm that buoys up the mind is fled also.

It was painful to witness the gradual sinking down of Brown's spirit from that moment. His conversation, which was before lively and animated, became dull and desultory. His ruddy cheek became pale and his lips livid. Sometimes he roused the energies of his mind, and collecting together all the forces of religion and philosophy, he half persuaded himself that freedom was not essential to happiness. A glow of fire would pass over his countenance—but it was momentary. It was the instinctive struggle of the mind to reserve itself against the slow numbing poison of despair.

If you have cultivated some favourite flower, admired its beauties, and been delighted with its rich fragrance, you may form some idea of my attachment to Brown. If you have seen that flower withering prema-

turely into decay by some fatal influence over which you had no control, you may judge what were my sensations when I saw this youth slowly sinking into the tomb.

Nothing gave Brown pleasure, but the daily visits of his amiable wife. By the help of a kind relation, she was enabled to give him sometimes soup, wine, and fruit, and every day, whether clear or stormy, she visited the prison to cheer the drooping spirits of her husband. She was uncommonly pretty. She seemed an angel, administering consolation to a man about to converse with angels. One day the hour of one o'clock passed, and she came not. Brown was uneasy.—Two—three, and four o'clock passed, and she did not appear. Brown was distracted. A messenger arrived. Mrs. Brown was very dangerously ill, and supposed to be dying in a convulsive fit.—As soon as he received this information he darted to the door with the rapidity of lightning.—The inner door was open—and the jailor, who had just let some one in, was closing as Brown passed violently through it. The jailor knocked him down with a massy iron key which he held in his hand, and Brown was carried lifeless, and covered with blood, to his cell.

There is no vice in the catalogue so great and unpardonable in the estimation of a jailor, as an attempt to escape, "Blast him," said the jailor, "I wish I had killed him." The murder was warranted by law, and the law, it seems, is far superior to the gospel.

As soon as Brown recovered, he wrote a supplicating note to his creditor, requesting that he might see his wife. The creditor had nothing to do with the affair, he had left it to the attorney. The attorney had left it to the sheriff—the sheriff to the jailor—the jailor "would see him damned before he would stir a step for him"—In the mean time conceive, if you can, the agony that tortured the soul of this most miserable debtor.

In Carthage or in Algiers, a prisoner under such circumstances would make known to the American government the story of his sufferings. The editors would publish it from city to city, and state to state, throughout the union. The government would feel it an indispensable duty, to levy taxes, to raise soldiers, fit out fleets, and pay ransoms for the prisoner's relief—orators and statesmen would excite a mighty uproar, and the skies echo with invectives against the savage barbarities of unchristian Algerines. But here, under the bening influences of our own *christian* laws, the single circumstance of being *unfortunate*, the very circumstance which ought to excite commiseration, proscribe all pity and blasts all hope.

Mrs. Brown died—and her husband was denied even the sad privileges of closing her eyes. He lingered for some time, till at last, he called me one day, and, gazing on me while a faint smile played upon his lips—he said, "he believed death was more kind than his creditors"—After a few convulsive struggles he expired!

Legislators and sages of America! permit me to ask you—how much benefit has that creditor derived from the imprisonment and consequent death of an amiable man, in the bloom of youth—who, without this cruelty, might have flourished, even now, an ornament and glory to the nation?



## FOR THE DEBTORS' JOURNAL.

MESSRS. EDITORS.—I have learned by the first number of your journal, that the inhabitants of Boston had endeavoured to obtain an extension of the prison limits so as to include the whole town. This arrangement would be in perfect unity with those in other populous towns and cities throughout New-England, while it would save the families of poor labourers in the town from much suffering during this boisterous winter. The present limits, allowed to debtors committed to jail, are well calculated to accommodate a few classes of individuals to the disadvantage of the community at large: for instance those who have failed (as I have) for forty or fifty thousand dollars, and have money enough to pay fifty per. cent on the amount. Under these circumstances I can live an idle epicurian life on the jail limits till dooms day, if my creditors choose to keep me here. Still, though accommodated with every convenience and luxury of life that money can procure, I am not happy; I have for more than ten years been engaged in active business; and the thoughts of having been driven from it by misfortunes, and of being confined within a certain precinct, by the imbecility of a single creditor, crowd upon my mind in a torrent too potent to be resisted by any resolution my ingenuity can prompt me to invent.

After lingering out a long night with troubled thoughts and worysome dreams, I go in the morning and seek some amusement to guide my ideas into a different channel, in order to raise in the mind some shadow of that peace and quietness which it once enjoyed. Through the day I loiter round the court house, see the constables bring in the culprits for trial, witness something of the depravity of man, by hearing evidences give false testimony; and more of it by learning that lawyers bribe them to do so. Sometimes I make a lounge into a billiard room, where I meet a number of my old mercantile associates.—They hail me with joy, and, as misery loves company, they are highly gratified with having one more added to their band. I am here placed in an unpleasant situation; for, if I refuse to play with them my company is not agreeable; and by playing I am sure to lose my money; they, having been on the limits longer have got their trade nigher perfect, and I can stand no chance with them. So if I continue to be their associate, my fifty per cent. dividend will be continually growing less, until I shall have gained as much knowledge in the art of gambling as they possess. I wander about, out of my element, and can find nothing to give me any lasting comfort: I go home at night as unsatisfied as when I left in the morning. A confusion of ideas runs through my mind during the night and deprives me of rest. I sincerely believe that I am more unhappy than I should be were my creditors to take my property and let me work as a labourer on the wharves. But this object I cannot effect, unless I consent to what would make me doubly miserable! my creditors will take my property but they will not discharge me from my debts; therefore if I should be at work on the wharf to earn my daily bread, I should stand liable to be arrested and put in the limits without any means of supporting myself and family.

As the judges of the court of sessions have *wisely* determined that the limits shall not extend to accommodate that class of people who get

their living by work, I should have to starve or become a pauper ; for I cannot gamble to advantage ; I have never learned the trade. It is true I should have the privilege of swearing out at the end of the thirty days, provided I could obtain **TWO DOLLARS** to pay a couple of pampered justices for administering the oath.

Another difficulty I should have to encounter now occurs, I have many demands in circulation against me, and should be subject to become a prisoner on the second demand as soon as I had sworn out on the first, and so on without cessation ; and nobody would be benefitted by these suits but the Lawyer, the Officer, the Justice and Jailor.

Having taken all these things into mature consideration, I have come to a resolution to reconcile myself to my fate, and remain on the limits until my creditors think proper to receive my dividend and discharge me from my debts ; therefore, I feel an individual interest in having them enlarged, so that I can attend to some business, which will relieve me from that state of idleness in which I am now compelled to exist.

While I speak for myself I should do injustice to the cause by neglecting my poor fellow citizens whom I see daily taken from their labour by which they maintain their families, dragged up here and either put into close jail or compelled to pay **THREE DOLLARS AND FORTY CENTS** to go on limits where they are unable to procure labour enough in the whole thirty days, to refund the money paid to obtain them.

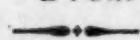
It must be astonishing to all who candidly and disinterestedly investigate the subject of extending the prison limits, that in this enlightened age we could find three men, suitable to be judges, who could concieniously decide against the measure ; particularly when they had the sanction of the law, the precedent of all the populous towns in New-England, and the consenting voice of a majority of the legal voters of the town.

Messrs. Editors, there must be iniquity in this affair some where, and as you have undertaken the noble cause of exposing vicious practices and relieving the unfortunate, I trust you will keep nothing from the public, for fear of exposing individuals to merited censure or chastisement.

Y—



*From the CONNECTICUT HERALD.*



The fate of so many attempts in Congress to procure a Bankrupt Law, is almost enough to make us despair of one for ever. The uniform defeat of the able efforts that have been made, may be traced to prejudices that seem to be of a class too stubborn to be refuted. Long and regularly as the subject has been presented to Congress, many members appear to have grown very little the wiser upon it. Some evidently consider it as of comparatively little importance ; and though the same gentlemen would take weeks in a debate upon a paltry saving of two or three dollars a day in the members' wages, they would consider such a debate a great waste of their time and the public's money, if spent in enacting and perfecting the details of a National Bankrupt Law. Many too have treated such a law as merely intended to confer *privileges* on insolvent merchants, and



are willing to leave them to the imperfect and conflicting insolvent laws of the States, unless the same *privileges* could be extended to all classes of the community. The utter inapplicability of a *bankrupt* law to any but merchants and traders, seems never to have occurred to them. It would be incredible that any member of that body could have been so unaware of the folly of extending the provisions of a bankrupt law to any but those *in trade*, if the proposed law of last session had not been defeated on this very ground. The advocates of this absurdity considered the whole purpose and object of a bankrupt law to be, to confer a *privilege on the bankrupt*. They appear never to have entertained a suspicion, that it is as much the object of a bankrupt law to protect the *creditors* of the bankrupt, as to protect the bankrupt himself.

With a view to these objections, I propose to make a few plain observations upon the importance and necessity of a Bankrupt Law in this country, under *all* circumstances; and the peculiar and pressing importance of it, at a time like the present, when the embarrassments of the trading part of the community are so extensive and severe.—In the second place, I shall show the utter *impracticability* of extending its operation beyond the trading part of the community.

In the first place, with respect to the importance of a well digested National Bankrupt Law, it is inconceivable how any Representative of a people so commercial as those of the U. States, could be unacquainted with the advantages, and indeed the necessity of such a system for the commercial community, and to society at large. No European nation that has any thing to do with commerce, is without a bankrupt law. The bankrupt law of England is one of the most prominent articles in her code. And it may be mentioned, in passing, that her first bankrupt law was professedly enacted for the protection of creditors against the frauds of bankrupts. Her bankrupt law, since that time, has been a constant object of the solicitude of her government, and of all the *business* part of the community. She has experienced its good effects to her commerce; and I do not hazard a bold assertion, when I say, that its benefits to her merchants have been second only to those they have derived from her navigation act. Those who will examine the provisions of her bankrupt laws, who will observe with what solicitude and rigour it guards against frauds upon the *creditors*, and with what lenity it treats the honest bankrupt, will not be inclined to controvert the opinion. They cannot fail to perceive, that such a system, well administered, (and in England that is done almost to perfection,) must remedy almost all the disastrous effects both upon debtor and creditor, that a failure in this country produces, where we leave all to the *honesty* of the former, and the *lenity* of the latter. The advantage that the commercial community in England possesses in consequence over ours, I purpose to show more in a future number.—The greater and obvious advantages of such a system, are, that the creditors of the bankrupt are protected against *frauds* and *preferences*: they share equally, and equally protected in all respects. As to the bankrupt himself, if he becomes so in consequence of losses and misfortunes, and has not lived extravagantly, he has a fair chance of retrieving his misfortunes, and a fair opportunity for the exertion of industry: his person and his future acquisitions are discharged from the gripe of obdurate and avaricious creditors.

*For the DEBTORS' JOURNAL.*

MESSRS. EDITORS,

Knowing the pages of your valuable publication, to be devoted to the cause of oppressed humanity, I take the liberty to send you the following plain statement of facts for insertion.

By the visitation of Providence, with severe sickness in my family, during almost all the last summer, I was unable to pay, when called upon, a balance of thirty six dollars and seventy five cents, which was due to my *pious* landlady for rent. She well knew my inability to pay her immediately ; but instead of doing, what she professed to do, (that is good,) she consulted a *contemptible petty fogging* lawyer, and by his advice, probably, flattered herself that she could coerce from me the money ; knowing that my family and business were both without the prison limits, a suit was commenced for a part of the debt, (17 dollars) and judgment obtained.—When the officer informed me that he had the Execution, with orders to make *immediate* service, I told him I would make a proposition to the lawyer, and perhaps it might be settled. I accordingly sent him a note, stating, that I would pay the debt, (without cost,) in the following manner, viz. Five dollars the next week, and five dollars more every month till the debt was paid. The answer I received was that he would name my proposition to her.—In a few days after, I again saw the officer, who shew me his instruction from the lawyer, stating that my offer was satisfactory to the creditor, if I would pay the cost, that she declined paying it.—I had made up my mind that I would not pay the cost, as I considered that the course she had taken was oppressive, and that unless I immediately discharged the balance not sued for I should have a second bill of cost to pay.—I accordingly appointed a time to meet the officer, and told him that in the mean time I would call upon the lawyer and see if the thing could be settled. I called and requested him to inform me if I was to understand, by her declining to pay the cost, that she utterly refused to pay it.—The answer was, what do you want more plain than such a reply ? I told him it might be plain enough to him, but that it was not to me.—He then told me she would not pay it.—Contrary to my former decision I proposed paying one half of the cost.—He observed that he thought she would not accept of it, but notwithstanding, he would mention it to her and give me an answer in the morning.

The instructions the officer received next morning were that my offer would not be accepted.—I of course went upon the limits. The Wolf, in *Lamb's* clothing feeling embittered at her ill success (not having obtained her money by her coercive measures, nor deprived me of the pleasure of being under the same roof with my family, or the same means I had before of supporting them,) consulted again the *magnanimous* lawyer, what further means could be adopted to pursue and gratify her spirit of malice.—There being still nineteen dollars and seventy five cents due her, they concluded that the most effectual means would be, to commence, immediately, a suit for a part of it, leaving a part for a third suit.—She said her lawyer told her, that she could keep me upon the limits sixty days longer, and she intended doing it.—Of course a suit



was commenced for eight dollars and thirty three cents.—I employed a very able and respectable attorney, and stated the case to him, told him I had no objections to their having judgment on the full amount.—At the time appointed, I appeared with my counsel, before the *noble* justice, who by the bye possesses *nearly* as much dignity, wisdom, knowledge, justice, &c. as a school boy of ten years. My attorney made known, (to the no small surprise of the justice,) his business.—The Honourable gentleman replied, that if there was any question in law, he would take it into consideration, but said he, if the attorney for the plaintiff has not been apprised of any defence to be made, it was probable he was unprepared, of course he thought it most proper to grant a continuance.—My Attorney stated that he should prefer to have it decided then, that he was ready for trial and that the plaintiff, he presumed, was or ought to be : he stated that the defendant had come into court and acknowledged himself indebted to the plaintiff in the sum of nineteen dollars and seventy five cents and was ready to have judgment given for the full amount.—The justice wished to know, what defence could be made, if the creditor did not wish to press so hard, and sued for only a part of the amount due, instead of the whole.—He was informed by my Attorney that the reasons for the course the plaintiff had seen fit to take, were to him obvious, and that they were vexatious and shameful ; and that if judgment was obtained in this suit, he should make it bar any further suit bro't by the plaintiff, and that he would also see if the bar would tolerate such proceedings.—The Attorney for the plaintiff not appearing, the justice recommended a continuance, which was consented to.—The hour to which the case was continued to, I called at the office of the justice and was informed by him that the plaintiff had consented to take judgment on the whole amount.—Her attorney being present, he said, she had concluded to do it, although she had a right to cut the amount up as she pleased—I simply observed that it was my opinion she had no right to do it and had they not consented to my arrangement, it would have been a question to be decided hereafter.

They have now execution for the whole amount, and I am ready whenever called upon to go on the limits, when they shall hear more from me, and their shameful course be made more public.

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FOR THE DEBTORS' JOURNAL.

### MERCANTILE CHARACTER.

MESSRS EDITORS.—Observing that a second edition of the North-American Review for the early part of this year is about to be re-published for more general circulation, I shall be greatly pleased, to find the Article No. 5, "*On the State of Agriculture in Italy*," in the July number has been re-reviewed, and the asperity with which the character of the American Merchant has been assailed at least softened and the picture retouched in less disrespectful terms.

The North American Review is well worthy the attention not only of the Literati of our whole Country but of Mercantile Gentleman in every part of the Union, who have a desire to peruse periodical productions abounding with just views of our National and State policy as well as with statistical remarks and observations that ought to be more particularly within the knowledge of the well informed merchant.

But in order to secure for the Review the rank to which it aspires, I am satisfied the attempt which the article in question has made to wound the pride of the American merchant, can have no very valuable tendency; but serves on the contrary to call up unkind passions, and to place at greater distance, not only the Reviewers, but the liberal professions, from the vastly more numerous but not less generous and munificent class, the American merchants.

The Reviewers in the article in question, seem to have been aware of this hazard from the covert manner in which they have opened their fire. I was not prepared, in looking at the article under review, from which I fully expected to have gained information relating to the cultivation of the grape, olive and leguminous productions of Italy, to find the American merchant thus pourtrayed.—“During a very considerable period since the peace of '83, the peculiar situation of Europe has afforded opportunities for commercial enterprize too tempting to be resisted. American merchants received in the lapse of a very few years, the most astonishing accessions of wealth; and fortunes, *ordinarily the fruit of a laborious life and never the portion of many*, were amassed with unparalleled rapidity, and by large numbers. Our domestic prosperity more than equalled the extension of our trade. It was then [during the particular situation of Europe] that the counting houses of our merchants were filled with youth from the country, who forsook the slower but surer emolument of Agriculture, for the *mushroom but unsubstantial fortunes of Commerce*, nay who preferred the meanest drudgery behind the counter of a retail dealer, to the manly and invigorating toil of the cultivator of his paternal acres—*unfortunately* this spirit of migration, *ever encouraged by too great a success in trade*. Feelings of *vulgar pride contracted in town*, caused the manual labour of the Farmer to be regarded as *degrading*—this unworthy sentiment spread with *baleful influence*, and when counting houses became overstocked and afforded no longer a resource, it was no uncommon thing to see a young man with no qualifications but a little bad Latin picked up at a miserable village school, forsake a large and fertile farm and apprentice himself to a poor country attorney.”

In laying these observations of the Reviewers before the Commercial public my purpose is answered—I shall therefore not go into a defence of the Mercantile Character of America, however much it is capable of such, and which as it respects New-England has been most ably done by the writers of the Monthly Anthology in their review of a Picture of Boston, for June 1807—and to which I beg leave most dutifully to refer these North American Reviewers in a very especial manner. If I am not mistaken, the American merchant has by his liberality not for the first and last time in the instances there quoted, but in very many of later



days furnished the means not only to erect edifices, but to endow their governors and professors from which in a few short months afterwards, he is to be assailed with sarcasm, obliquy and contempt

PRO PATRIA.



*From the National Advocate.*

Imprisonment for debt, is one of the most successful methods not only to rob the creditor of his money under the name of law, but it *produces* a number of collateral evils. Men who are thus confined, are usually those whose daily labour affords the means of daily subsistence. When the unfortunate man is taken from his family, the case has often happened, the wife has been driven to street begging, and his daughters to prostitution, to obtain the means of support. Now, what shall be said of a law, which in the first place compels the creditor to support his debtor in idleness—that drives his wife to street beggary, in the second instance, and coerces his daughter to become a prostitute in the third! For whose benefit then is this law preserved—Probably it may find employment for some of our charitable societies, and supply them with more objects on which they can lavish their bounty—but for any other purpose, we conceive it to be totally ineffectual. This mode of collecting money may be called a new and improved way of making paupers, prostitutes, and street begging; and all the train of evils that follow in the wake of such vices. On the contrary, how would the interest of a creditor be affected by the repeal of this law? He would be circumspect in whom he trusted; he would be watchful of his own welfare; and indeed, the greater part of the evils under which the nation now suffers, results from that unsparing system of credit which has been adopted in modern times. It has brought ruin and bankruptcy upon thousands of our fellow-citizens; has tenanted our jails with victims and extirpated confidence between man and man, it has put an instrument into the hand of the knavish and fraudulent to acquire property, and to cheat the honest creditor, and raised a loud and clamorous cry for an uniform system of bankruptcy, from one end of the continent to the other. These are not imaginary evils—they have been for twenty-five years past, during the commotions that agitated Europe, connected with great evils of a national character. In the rapid revolution of property from hand to hand, occasioned by those great and unparalleled events by which fortunes were made and lost in an hour, an almost unsparing system of credit was adopted. The acquisition of property at that season, resembled rather the chance of a lottery than the slow measured deliberate calculations of mercantile sagacity and foresight. When peace was at length established, this indiscriminate credit survived the wreck only to point out future victims of insolvency, beggary and ruin, and sooner this system is abandoned the better, not for the rich man only, but for the poor man likewise.

FOR THE DEBTORS' JOURNAL.

MESSRS. EDITORS.—You will oblige a correspondent by inserting the following in your Journal :—

*Extract from the New-England Galaxy.*

“ COMMUNICATION.”

Mr. Buckingham—“ In commencing a new era in your professional labours, it was natural for you to reflect on what has appeared in your paper, and it must be consoling in a high degree, that you have been unable to detect any unworthy motive for what you have written, or any pernicious consequences, the result of the opinions and sentiments you have promulgated.”

“ You have not only been bold enough to assail the central committee—a knot of aristocrats—but you have ventured to attack aristocracy itself. This is a Tyrant Mr. Editor that would emblazon your name in history, and embalm your memory in the recollection of every good man and true patriot, for years and years to come ; but I fear sir, your strength is not adequate to the task.”

We regret this communication was not received early enough to be admitted in full—for, there is nothing like *backing* our friends.

### *Offenders against Law and Justice.*

For many years it is understood to have been the practice among the Justices of the peace in the town of Boston, and probably in other places, to receive, for the performance of their duties, more fees than is allowed to them by law. This has been a subject of continual complaint among those who have considered themselves imposed upon ; but they, being generally men who are ignorant of the intricacies of the law, have seldom found out a right source to obtain redress. This subject has lately been fairly investigated by some of the Bostonians, who will be ever ready to defend the rights of their fellow citizens, and it is believed that there are impositions practiced daily on Debtors who are arrested and committed to prison. Within a short time a justice authorised to administer an oath received two dollars for swearing a man out of jail ; and it will be seen by the law published in our first number, that two justices are required to perform that duty, for which they are entitled to forty cents.

However fashionable and customary such practices have become, they will not continue long ; measures have been taken to prosecute, at the January court, without discrimination, all persons who have been or are in the habit of taking unlawful fees for any performance of duty intrusted to them.

The sufferers by such prosecutions, cannot think themselves unfairly dealt by, when they consider that we published the law three months ago, which it was their duty to read and notice.

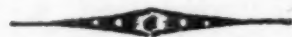
We are informed that a certain man who lives on the ruins of the poor and distressed, has lately engaged in a new speculation, of buying



notes against poor labourers who live in Charlestown, and come over to Boston to work ; by so doing he can take them when they go home to their families and confine them in Cambridge jail.

How far he has been able to succeed in his plan we have not been able to learn.

If those who feel the effect of his villanny will represent themselves to us, they will find a zealous advocate, and he a stubborn foe.



*From the NEW-YORK ADVERTISER.*

As the great standing obstacle in the way of Congressional proceedings may probably be considered as removed, and as they must break up on the third of March, we hope the other important business of the session will now be taken into consideration. Among the subjects of this description, we consider the Bankrupt System as one of the most interesting. It is scarcely conceivable, that a country as truly and extensively commercial as this, and whose financial affairs are entirely involved in the successful operations of trade, can possibly submit much longer to such a state of things, regarding this subject, as exists. No nation on earth, making proper allowance for the amount of its commerce, so loudly calls for a uniform system of bankruptcy as the United States. This necessity arises, in a great measure, from *the extent and nature* of our confederacy.

In the first place from *the extent of our country*. Our republic already spreads over a vast surface, and is every day growing larger and larger. Mercantile intercourse is constantly carried on from one extreme to the other ; and credits are given by the wholesale dealers of Boston, New-York, Philadelphia, and Baltimore, to their customers in the remotest parts of the Union. This is most emphatically true of this city. The quantities of goods sold yearly to traders at the south and west, is truly immense. It is impossible, in the nature of things, that business of this kind can be conducted with that degree of safety and confidence, when the parties are so remotely situated, as would be the fact if they were mutually regulated and controlled by the same legal provisions.

The truth of this remark will be more strikingly experienced, when we take into consideration the nature of our confederacy. The United States already amount to *twenty two* ; and others will speedily be added to the list. All those states possess exclusive jurisdiction over the relations of property; regulate their concerns each in their own mode. Hence a great variety of laws and usages for securing and recovering debts exists in the different States. This very fact perplexes the minds of men who are necessarily interested in the subject ;—and when a merchant trusts his property in the hands of a man in one State where attachments are allowed, in a second where they are not allowed, in a third where judgments are a lien on real estate, in a fourth where they are not, in a fifth where imprisonment for debt is lawful, in a sixth where it is not, in a seventh where replevins on executions are sanctioned, in an eighth where insolvent laws

are established, and in a ninth where they are not, the amount of hazard under these different jurisdictions becomes almost as nice a subject of calculation as that of annuities, or insurance on lives.—Some of these evils are remediless: but a uniform system of bankruptcy would bring all the States into one track regarding one very important point—that of preferences and fraudulent conveyances.

Under a Bankrupt Law, all creditors fare alike; and all preferences and fraudulent conveyances are held to be void against creditors. This result is secured to the parties interested, whether they live near at hand or afar off—and relieves them from the irksome, but absolute necessity, of employing agents and attorneys to watch over their distant concerns, to guard themselves as far as possible from the risks which they run.

The decisions of the United States courts on the extent and efficacy of state insolvent laws, have greatly increased the necessity for a National Bankrupt System. It is now understood, that the States have parted with the power of passing bankrupt laws, or insolvent laws that shall, under any circumstances discharge a man from his debts.—This places the honourable but insolvent debtor in a most unfortunate predicament: for he must renew his exertions under the disheartening consideration, that he is liable every moment to be stripped of his earnings, and reduced again to a state of poverty. In such circumstances, every stimulus to industry and enterprize is destroyed, and nine out of ten, if not ninety-nine out of a hundred, will either quit their homes, pursue a plan of concealment with regard to their property, or sink down under the double pressure of penury and despair.

In this way the community as well as the individual, becomes a sufferer. We do most sincerely hope that the project of such a system will be seasonably discussed, and before this session is closed, adopted by Congress, and the evils of the present state of things removed.

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*From the NEW-ENGLAND GALAXY.*

*Boston, Friday, July 21, 1820.*

### AN AFFAIR OF OURS.

“While we press our gratitude for the increased and increasing patronage we receive, we hope we shall be pardoned, for what some may view as an egotical boast. WE NEVER HAVE SOLICITED,—WE trust we NEVER SHALL SOLICIT a single subscriber to our paper. We only ask those who come voluntarily, to pay agreeably to the conditions.”

“SIR from what I have heard SIR, on this subject SIR, I am of opinion SIR, that the office of Lieutenant Governor SIR, ought to be abolished SIR. But SIR, I think SIR, that some person SIR, should be designated SIR, by the people SIR, to supply the vacancy SIR, of the Chief Magistrate SIR.”

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### *Prisoners confined in Boston Jail.*

For debt—Males 24, Females 6—Assault and battery 5—Criminals 75—Total 110.



## A PROLOGUE,

*Spoken by Mr. STONE, at the opening of Washington Garden Theatre, on Tuesday evening, Dec. 19, 1820.*

Patrons and Friends—to night our infant corps  
 Present before you its dramatic store ;  
 Op's wide its little stock of native ware,  
 And looks for succour from the wise and fair.  
 The wise, to point us out the road to fame,  
 The fair, to cheer us and exalt our name.  
 If these should fail, let patriot zeal inspire  
 Within our hearts a more exalted fire  
 And while we breathe and move upon a soil,  
 Endeared by enterprize and won by toil ;  
 The soil our fathers bled and died to gain,  
 And which their sons, thank God, live to maintain :  
 While we behold around her gallant tars,  
 The firm supporters of her stripes and stars ;  
 The men who hurled their broadsides on the foe,  
 And dealt destruction at a single blow.  
 While we behold our valiant soldiers too,  
 Who to the last sustained her pure and true,  
 What need we more to animate our hearts,  
 And bid us to the life, act all our parts.  
 Ladies, the play is foreign, no fault of ours  
 If we resort to trans-atlantic powers ;  
 Let native genius once its soul engage,  
 Be sure none other will possess our stage.  
 'Tis called the Wonder, where the wonder lies,  
 Find out ye wits, and tell us O ye wise.  
 A woman keeps a secret—well, what then ?  
 She keeps it from the knowledge of the men ;  
 The men ! why, whom should she keep it from ? pray tell us,  
 'Twere strange indeed if known to all the fellows.  
 What is the secret ? methinks that some one cries,  
 And now to learn it, ope's both mouth and eyes :  
 Come let me know, and soon I'll tell my wife,  
 She wont believe it else, upon my life ;  
 She says there's no such thing, no, no—I tell you no, man,  
 It is a libel on the name of woman.  
 Be patient friend, we all beseech ye, stay,  
 And strive to gather knowledge from the play.  
 A female author vindicates the fair,  
 And takes their cause up with a guardian care ;  
 A native actress too, to-night appears,  
 And sues for candor from your liberal ears ;  
 She is a stranger, sure the stranger's cause,  
 May claim but this, if not your kind applause.  
 And now as some frail bark upon the tide,  
 Tost to and fro uncertain where to ride,

The prey of storms and winds and fearful waves,  
 Our little sea-boat here the tempest braves ;  
 Looks for the star which guides the wanderers home,  
 When moor'd in safety she ne'er will deign to roam.

\* \* \*

### THE CREDITOR'S SOLILOQUY.

(*Enter Creditor, arms folded, eyes cast down and in deep thought.*)

To sue or not to sue, that is the question :  
 Whether 'tis better for a creditor  
 To suffer pressure from long standing bills :  
 Or leave them, boldly in a lawyer's hands,  
 Although we risk the loss of customers.  
 But we may thus security obtain,  
 And end the heart ache and the thousand shocks,  
 The speculator, and the hard drove man  
 Is heir to ?—'tis sure a consummation  
 Sincerely to be wished. To dun—to sue—  
 Perchance to pay the cost ! Ay there's the rub—  
 For in the law, such dreadful fees may come,  
 When we once enter its dark labarinth—  
 Must give up purse.—There's the respect  
 That makes our credits of such tedious length :  
 For who would bear our debtors long delay,  
 With nought but promises from month to month,  
 Our very favor breeding insolence ?  
 When at once, might make ourselves most sure,  
*Apparently*—by strong Bum Bailiff's grasp.  
 Who then these ills would tamely suffer  
 Of losing money by long winded debtors,  
 And paying premiums and renewing notes,  
 And at each door sweating to borrow cash ?  
 But that the dread of going into law—  
 The most uncertain refuge, from whose maze  
 The plaintiff oft so shabbily returns—  
 Puzzles the will—protracts our credit,  
 And makes us rather bear the debts we have  
 Than hazard others, that we knew not of—  
 Thus does apprehension make us cowards,  
 And thus we often lose our honest dues,  
 And with them, enterprizes of great pith,  
 From their dread of entering on an action.—  
 But I'll no longer fear—I'll press the slow  
 And tardy paymaster—for 'tis better  
 He fail, than suffer bankruptcy myself.

*Port. Gaz.*

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### THE DEBTORS' JOURNAL,

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